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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/826,612

04/05/2001

Gordon A. Forsyth

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07/03/2006

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/826,612

Applicant(s)

FORSYTH, GORDON A.

Examiner

Daniel S. Felten

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on September 27, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3-7, 10-12 and 14-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Barcelou (US 6,945,457)

a self-service terminal for connection to a network (40), the terminal comprising:

--means for receiving payment from a user (52—cash acceptor) (see fig. 4, col. 4, lines 50-65), *as in claims 1 and 12,*

--an electronic payment mechanism for creating an electronic financial instrument for paying for an item purchased via the network, wherein the electronic financial instrument is independent of the payment from the user (see fig. 5, col. 4, lines 66 to col. 5, line 12), *as in claims 1 and 12*

-- wherein the means for receiving payment from a user includes a currency acceptance module for allowing a user to pay using cash (52—cash acceptor) (see fig. 4, col. 4, lines 50-65), *as in claims 3 and 14,*

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--wherein the electronic financial instrument is selected from: a credit card payment, a debit card payment, a charge card payment, a stored value card payment, and an electronic check (see “smart card dispenser” (46), col. 4, ll. 50-65), *as in claims 4 and 15*

--wherein the electronic financial instrument comprises a credit card, (see “credit card,” col. 4, ll. 27-39), *as in claim 5*,

--comprising means for recording each electronic financial instrument created and transmitting a copy to a database for reconciling with transactions processed at that terminal,(see col. 4, ll. 31-33), *as in claim 6, 16 and 17*

--comprising a printer for printing out a receipt to confirm that the electronic financial instrument has been created and sent, (see “printer” (57), col. 5, ll. 8-9), *as in claims 7 and 18*,

--receiving from a user an indication of an item for purchase using the terminal see fig. 5, col. 4, lines 66 to col. 5, line 12);

--receiving from the user a first form of payment for purchasing the item (see fig. 4, col. 4, lines 50-65); and

--paying for the item using a second form of payment. A method of leasing a payment mechanism to a user of a self-service terminal (see “rental services” col. 3, line 54), *as in claim 10*,

--creating an electronic financial instrument for an amount to cover payment of a selected purchase, (see “credit card,” col. 4, ll. 27-39) *as in claim 11*, and

--requesting from a user sufficient funds to cover the payment, any postage, and a leasing surcharge (see col. 1, lines 29-39), *as in claim 11*

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 8, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barcelou (US 6,945,457) in view of Flenley (US 6,282,618)

Barcelou discloses the use of the Internet and a touch screen which provides for a wide variety of goods and services to be viewed (see col. 4, lines 50+), but fails to disclose a browser for enabling a user to browse sites on the network to select an item for purchasing from a merchant, *As in claims 2, 8, 13 and 19.*

Flenley discloses an ATM (fig. 2) that uses a browser (80) (see col. 5, lines 23-28). It would have been obvious for one of ordinary skill in the art artisan at the time of the invention modify Barcelou with the Internet browser of Flenley because an artisan at the time of the invention would have sought to use the notoriously old and well known Internet browser as an alternative to Barcelou's touchscreen to provide viewing and selection of various goods and services.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S. Felten whose telephone number is (571) 272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



DSF
June 22, 2006

Daniel S Felten
Examiner
Art Unit 3624